



Thompson Wigdor & Gilly LLP ATTORNEYS AND COUNSELORS AT LAW

85 Fifth Avenue
New York, NY 10003
Tel 212.257.6800
Fax 212.257.6845
www.twglaw.com

Douglas H. Wigdor
dwigdor@twglaw.com

January 25, 2010

VIA ECF

Honorable Sandra J. Feuerstein
United States District Court
Eastern District of New York
290 Federal Plaza
Central Islip, New York 11722

Re: *Carter, et al. v. Incorporated Village of Ocean Beach, et al.*
No. 07 Civ. 1215 (SJF) (ETB)

Dear Judge Feuerstein:

As you know, we represent Plaintiffs in the above-referenced matter. We respectfully write in response to the Village Defendants' letter motion, dated January 22, 2010, seeking a stay of the trial pending the resolution of the motions for summary judgment.

The Village Defendants' request that the Court stay the trial pending a ruling on the summary judgment motions is yet another attempt by the Village Defendants to needlessly delay the trial. This same argument was explicitly presented and discounted by the Court at the final pre-trial conference.

The premise of the Village Defendants' present letter motion, namely, their inability to anticipate any monetary judgments against them based on the number of claims at issue, is specious at best. First, in their opposition to Defendants' motions for summary judgment, Plaintiffs withdrew a number of claims in order to narrow the issues for trial. Those claims included the Equal Protection claim (seventh cause of action), New York Labor Law 740 (ninth cause of action), and RICO (thirteenth cause of action). Thus, by virtue of these withdrawals, the claims have already been narrowed in anticipation for trial.

Thompson Wigdor & Gilly LLP ATTORNEYS AND COUNSELORS AT LAW

Honorable Sandra J. Feuerstein
January 25, 2010
Page 2

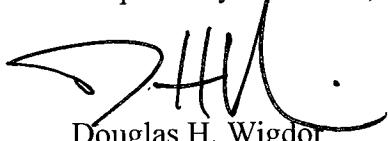
Moreover, it should be pointed out that the 2009-2010 fiscal year for the Incorporated Village of Ocean Beach ends on May 31, 2009 – approximately two and a half months after a jury will announce its verdict at the trial in this case.

Accordingly, we respectfully request that the Court deny the Village Defendants' request to stay the trial pending the Court's ruling on the motions for summary judgment.

Finally, if the Court is going to commence trial on February 22 rather than March 1, I would request that trial proceed on February 22, February 23 and February 24 as I have made arrangements to postpone by a day my trip that was disclosed to the Court at the pre-trial conference. For scheduling purposes of witnesses and trial, on behalf of all parties, I would request that the Court notify us as soon as practicably possible as to the trial schedule so appropriate arrangements can be made.

We thank the Court for its understanding in this regard.

Respectfully submitted,



Douglas H. Wigdor

cc: Kenneth A. Novikoff, Esq. (*Attorney for Ocean Beach Defendants*)
Kevin W. Connolly, Esq. (*Attorney for Defendant George B. Hesse*)
Arlene Zwilling, Esq. (*Attorney for Suffolk County Defendants*)